REMARKS

Claims 53-58 are currently pending in this application. Further to the response filed February 22, 2005, to the Office Action dated November 19, 2004, Applicants submit a Declaration Under 37 C.F.R. § 1.132, in which Willem Jan Marie Van de Ven, Ph.D. attests to the following statements. The undersigned thanks the Examiner for informing us that the response filed February 22, 2005 apparently was not received by the United States Patent and Trademark Office. Accordingly, Applicants also submit herewith a copy of the response and dated postcard.

With regard to the rejection of claims 54, 55 and 58 under 35 U.S.C. § 112, first paragraph, for asserted lack of written description paragraph, and claims 54-59 under 35 U.S.C. § 112, first paragraph, for asserted lack of enablement, Dr. Van de Ven avers that one skilled in the art would know how to design fragments of specific gene sequences generally, and fragments of PLAG1 in particular, without undue or burdensome experimentation in order to diagnose the presence of a particular tumor cell. Protocols in the field of molecular biology for the isolation of nucleic acid fragments of a particular gene sequence based on a specific function of the nucleic acid fragment are well known and commonly employed by those skilled in the field of molecular biology.

Based on this common knowledge and skill, Dr. Van de Ven attests that one skilled in the art would know how to design isolated hybrid nucleic acids consisting of a fragment of a specific gene sequence fused to a translocation partner or fragments thereof of the specific gene sequence in general, and PLAG1 and fragments thereof fused to CTNNB1 and fragments thereof, in particular, in order to diagnose the presence of a particular tumor cell without undue or burdensome experimentation, since protocols for fusing nucleic acids or fragments thereof to translocation gene partners or fragments thereof based on a specific function of the fused (hybridized) nucleic acid are well known and commonly employed in the field of molecular biology. Dr. Van de Ven further attests that one skilled in the art would know how to design anti-sense nucleic acids and fragments thereof against nucleic acids, in order to diagnose the presence of a particular tumor cell without undue or burdensome experimentation, since protocols for anti-sense nucleic acids and fragments thereof of a specific gene sequence in

general, and PLAG1 in particular, based on a specific function of the anti-sense nucleic acid or fragment thereof, for example, inhibition of the expression of PLAG1, are well known and commonly employed by those skilled in the field of molecular biology.

With regard to the asserted anticipation of claims 54-55 under 35 U.S.C. § 102(b) by Nollet et al., Dr. Van de Ven states that Nollet et al. does not disclose an isolated nucleic acid sequence consisting of specific base pairs of PLAG1 located on exons 3 to 5 or fragments thereof fused to specific base pairs of a CTNNB1 gene located on exon 1 or fragments thereof, wherein the fused nucleic acid allows for the diagnosis of a cell as a tumor cell when it contains the hybrid nucleic acid sequence therein, and further wherein an isolated anti-sense nucleic acid sequence of the hybrid nucleic acid sequence or fragments thereof inhibit the expression of the hybrid nucleic acid sequence in tumor cells. The sole disclosure of Nollet et al. which pertains to the claimed invention is the determination of the primary structure of the CTNNB1 gene by analyzing cDNA and genomic clones. Indeed, Nollet et al. does not disclose whatsoever PLAG1 or a hybridized nucleic acid consisting PLAG1 fused to CTNNB1 and thus does not teach or suggest the claimed invention.

Entry of this Declaration, withdrawal of the asserted rejections and allowance of pending claims 53-58 are respectfully requested.

Respectfully submitted,

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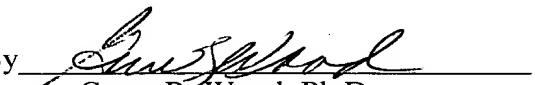
By 

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